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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/808,824 | 03/24/2004 | Annette M. Wagner | SUNMP325 | 7601 |

25920 7590 07/27/2006

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| EXAMINER |
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NGUYEN, SIMON

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| ART UNIT | PAPER NUMBER |
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2618

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,824

Applicant(s)

WAGNER ET AL.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-9, 11-14, 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmimaa et al. (6,668,177).

Regarding claim 1, Salmimaa discloses method and apparatus for providing context based information on a mobile device display (abstract, figs. 1-4), comprising: predicting a set of services (icons appear larger and are shown more prominently on the display) from a plurality of services (larger or small icons) that a user is expected to utilize with a predefined period of time based on user profile information (column 4 lines 66-67); displaying a service icon representing a service of the set of services most likely to be utilized in a primary position (a group of larger icons to be seen in the fig.); and displaying icons remaining services in the set of services in secondary positions (a group of smaller icons seen in figs.) (column 2 line 15 to column 3 line 11, column 4 lines 16-50, 61-67, column 7 line 65 to column 8 line 14).

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 1, wherein a computer program for running a method step is inherently in the system.

Regarding claims 5-7, 11-13, Salmimaa further discloses icon labels for each service icon regarding a state of a corresponding service for a user, changing (updating) when the state of the corresponding service changes (figs.1-4, column 6 line 31 to column 8 line 14).

Regarding claims 18-20, these claims are rejected for the same reason as set forth in claims 5-7, respectively, wherein the computer program is inherently in the system for running the claimed steps.

Regarding claim 9, Salmimaa further discloses the hidden icon during a normal operation (column 5 lines 19-21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 10, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmimaa et al. (6,668,177) in view of Wagner et al. (6,282,435).

Regarding claims 2-4, 10, Salmimaa discloses a hidden icon in a normal operation (column 5 lines 19-21). However, Salmimaa does not specifically disclose the operation of displaying icons representing remaining services outside the set of services in a tertiary and a ticker tape display.

Wagner discloses the operation of display representing remaining services outside of a main service in a tertiary and a ticker tap display (abstract, column 4 lines 50-51, figs.4-10). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Salmimaa, modified by Wagner in order to improve a context information service.

Regarding claims 15-17, these claims are rejected for the same reason as set forth in claims 2-3, respectively, wherein the computer program is inherently in the system for running the claimed steps.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

July 15, 2006

A handwritten signature in black ink, appearing to read 'S. Nguyen'.

**SIMON NGUYEN
PRIMARY EXAMINER**